

CITY OF ALAMO HEIGHTS
CITY COUNCIL
February 25, 2008

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, February 25, 2008.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Bobby Rosenthal
Councilman Stan McCormick
Councilwoman Jill Souter
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brenan
Assistant to City Manager/Information Technology Manager Marian Ramirez
City Treasurer/Tax Assessor and Collector Cynthia Barr
Human Resource Manager/Deputy City Secretary Judith E. Surratt
Public Works Director Shawn P. Eddy
Police Chief Rick Pruitt
Interim Fire Chief/EMS Administrator Bill Woodward
Community Development Manager Jack Guerra
Temporary Assistant Leticia M. Callanen

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Mayor Louis Cooper called the meeting to order at 5:32 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the January 28, 2008, City Council Meeting. A motion was made by Councilman Bobby Rosenthal to approve the minutes of the January 28, 2008 City Council Meeting as revised. Motion was seconded by Councilwoman Susan Harwell and passed by unanimous vote.

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City Manager's Report

City Manager Rebecca Waldman recognized Fire Chief Darren Smith on his retirement from the City after 22 years of dedicated service and spoke to Chief Smith's employment history with the City and highlighted some of his many accomplishments. On behalf of the City Council, Mayor Cooper presented Chief Smith with a plaque commemorating his outstanding leadership and service to the City of Alamo Heights. Members of Council

spoke to Chief Smith's leadership and improvement to the overall operations of the Fire Department.

Assistant Chief/Interim Chief Bill Woodward spoke to his working relationship with Chief Smith and provided anecdotal comments related to his leadership in providing training opportunities for the Fire Department.

Chief Smith addressed the City Council and citizens and expressed his gratitude for the support he received during his tenure.

City Manager Rebecca Waldman introduced Leticia Callanen who will be assisting with Council Meeting related matters on a temporary part-time basis during the absence of City Secretary Denise Silva.

Ms. Waldman invited interested citizens to join members of the Alamo Heights Neighborhood Association (AHNA) to a repeat of the presentation given to City Council recently on the City's water and sewer system. The presentation, by Director of Public Works Shawn P. Eddy, will be held at City Council Chambers, 6120 Broadway at 11:30 AM on Thursday, March 27.

Ms. Waldman introduced Colin McDonald as the new Express News reporter assigned to cover City of Alamo Heights' municipal issues as a result of Josh Baugh's recent promotion.

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Citizens To Be Heard Concerning Non-Agenda Items

Ms. Margaret Houston, 140 Patterson, spoke to her concerns with speculative homes being built in the area that remain vacant and made suggestions related to the notification process for demolition permits in order to increase resident awareness. Ms. Houston spoke to supporting the downtown business district by shopping locally and by providing adequate City resources.

Ms. Margaret Spencer, 140 Patterson, spoke to the floodplain presentation at the Witte Museum that she attended and further discussed her desire for the City of Alamo Heights to enact an ordinance prohibiting development within a floodplain.

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Staff Reports

Item #3

Mr. Shawn P. Eddy, Public Works Director, introduced Mr. Nefi Garza, San Antonio River Authority (SARA), who was present to provide an overview of the process related to the adoption of the recently released updated Federal Emergency Management Authority (FEMA) Digital Flood Insurance Rate Maps (DFIRMs) for the Bexar County area. Mr. Garza provided a PowerPoint presentation and distributed brochures, which are

made part of the official papers of this meeting, and spoke to the impact of the new maps on the City of Alamo Heights. Mr. Garza discussed the Bexar Regional Watershed Management Partnership, comprised of Bexar County, City of San Antonio, SARA and 19 suburban cities, including the City of Alamo Heights, and provided an overview of the process and estimated timeframe for the adoption of the floodplain maps. Mr. Garza estimated that it could take up to a year for the City to review and consider adoption, which includes the current 90 day comment and appeal process. He further noted that the maps would not become official by FEMA until all appeals and ordinances have been passed by all municipalities.

Mr. Garza explained that the City of Alamo Heights has a large amount of floodways compared to floodplain areas. Floodplains allow certain development. He further explained that for Alamo Heights, the percentage of floodway is almost equal to that of the floodplain.

In response to questions raised by Councilman McCormick, Mr. Garza outlined the appeal process that involves submitting the proper application to SARA, who then coordinates with FEMA to make the final determination. He further discussed the Letter of Map revision process. Mr. Garza noted that the City is currently a participant of the Federal flood insurance program.

In response to a question from Councilwoman Souter related to the process for submitting changes by the City of Alamo Heights, Mr. Garza confirmed that the City could submit revisions utilizing the aforementioned appeal process.(need to check audio)

Mr. Garza provided instruction on how to review the proposed DFIRM maps via the SARA website at www.bexarfloodfacts.org.

Mr. Garza fielded questions from the City Council and members of the audience related to the tools available and information provided on the website.

Mr. George Geis stated that Austin Highway is a floodway also.

Ms. Pat Evans, 140 Patterson, asked if City Council will automatically change their ordinance when FEMA approves the floodplain maps. Mr. Garza stated that FEMA will provide a minimum level ordinance, but if Council wants to increase restrictions within the City, they could do so by creating a more restrictive ordinance.

Mr. Eddy thanked Nefi Garza for the presentation and informed the public that his office will provide assistance in reviewing maps.

Item #4

Rick Pruitt, Police Chief reported on efforts to discourage urbanized coyotes from roaming residential areas and community education efforts regarding urbanized coyotes. Chief Pruitt provided an update on coyote presence near Olmos basin, recent sightings and spoke to plans to initiate aversive conditioning, utilizing rubber bullets targeted at the ground near the coyotes if necessary. Chief Pruitt introduced a newsletter that would be

used as an information tool to educate the community on ways to discourage coyote presence and advises them to report any sighting to the Police Department. The newsletter will be available at City offices and on the City website.

In response to Council questions, Chief Pruitt explained that the current coyote population is 5, although offspring could be seen in April. He also explained that an email blast would be sent informing residents of possible the aversion strategies that may be employed, but would encourage residents to call in to the department if they have concerns.

Item #5

Public Works Director, Shawn P. Eddy, presented information on the residential composting bin program. Mr. Eddy informed Council that the City purchased an initial supply of 100 eighty-gallon residential composting bins, called Earth Machines, to be resold to City residents at a reduced cost of \$20 a bin. Mr. Eddy spoke to the benefits of the bins to include reducing the amount of solid waste pickup by 30% if used universally, and offered information on how to purchase the bins by city residents, which is being coordinated with the Alamo Heights Neighborhood Association and volunteers from the Alamo Heights High School Environmental Club. Mr. Eddy thanked Councilwoman Harwell for her assistance and recognized John Joseph, President of the Alamo Heights Neighborhood Association.

Mr. Joseph expressed his gratitude to Councilwoman Harwell and City staff in making his suggestion a City program and encouraged residents to participate. He further spoke to the benefits of composting through his personal experiences.

Mr. Eddy stated that the initial supply is limited to City residents only and the stock will be replenished as needed.

Councilwoman Harwell thanked Mr. Eddy and his staff for implementing the program. In response to Councilwoman Harwell, Mr. Eddy explained how residents can purchase the bins and provided options for pick up or delivery.

Councilman Kiel spoke to his personal experience with his newly purchased bin and encouraged participation.

Item #6

Mr. Shawn P. Eddy, Public Works Director made a presentation of proposed capital improvements on E. Castano Avenue between Vanderhoven Drive and N. New Braunfels Avenue. Mr. Eddy spoke to staff's recommendation to proceeding with the first of several capital projects included in the Capital Improvement Program (CIP) approved by the City Council in 2007 with the sale of \$7.5 million in Certificates of Obligation. He further provided an overview of the current condition of the street and discussed the proposed reconstruction of E. Castano Avenue between Vanderhoven Drive and N. New Braunfels Avenue, which was previously designed and bid in 2004 by Sunbelt Engineering but was not constructed at that time. The designed improvements include the total reconstruction of the roadway and expansion of the pavement to accommodate four lanes of traffic, the

construction of sidewalks on the north side and the replacement of existing water and sewer lines. He stated that the project is expected to begin construction on the day after the last day of classes at the high school and is expected to be nearing completion and open for limited traffic by the first day of classes.

Mr. Eddy further explained that the item was recommended for approval by the Infrastructure and Services Committee and staff has hosted preliminary meetings with representatives from Alamo Heights High School and the adjacent property owners that will be directly affected by the construction. Mr. Eddy described the outcome of the meetings and presented information in response to expressed concerns with the proposed expansion of the roadway from two lanes to four.

Mr. Eddy provided his recommendation to proceed with the reconstruction of E. Castano Avenue between Vanderhoven Drive and N. New Braunfels Avenue, to include drainage, sidewalk and utility improvements. He further recommended utilizing Freese & Nichols, Inc. to review and potentially update the previous traffic studies performed in this area in order to determine if E. Castano Avenue should be widened to four lanes; review the expressed traffic issues on E. Elmview Drive; and present findings and staff recommendations to the Infrastructure and Services Committee, with final approval by City Council in the near future.

In response to a question from Mayor Cooper, Mr. Eddy explained that the funds to be used for this project could include VIA funds and other funding to be further explained at a future Council meeting when the Capital Improvement Project (CIP) plan will be outlined.

Mr. Eddy also discussed the coordination efforts with the City of San Antonio for turn lanes and traffic lights at E. Castano Avenue and N. New Braunfels Avenue. Mr. Eddy outlined the project schedule that includes construction beginning this summer because the design has already been completed and explained that any deviations from the design could adversely affect the completion timeframe.

Discussion ensued among Council and staff regarding the design of the project with regard to traffic diversion devices, the width of the street, and location and size of sidewalks and crosswalks. Mr. Eddy discussed the bidding process and approval process of each construction contract, which will require City Council approval.

Mr. Tony Athens, 216 E. Elmview Drive, spoke in favor of the roadway expansion and thanked City Council for addressing traffic issues.

Mr. John Grable, 208 Wildrose Avenue, suggested reviewing past plans that recommended various traffic calming measures and to landscape the street with trees.

Mr. Doug Trotman, 223 E. Elmview Drive, reiterated comments made at previous meetings regarding traffic issues around the high school and thanked Council Members Harwell and Kiel for making presentations to their neighborhood group and for addressing community concerns.

Ms. Margaret Houston, 140 Patterson Avenue, supported the proposed project and discussed traffic concerns on Broadway during peak student drop-off and pick-up times and the traffic impact onto neighboring streets.

A Council discussion then ensued related to traffic along Broadway and some possible solutions.

Mr. Bob Owers, 174 E. Oakview Street, stated the importance of the project and spoke to increased traffic issues created by pass-through traffic and on-street parking.

Councilman Kiel discussed the need to update the traffic models to better understand traffic flows and develop a holistic approach to solving problems.

Ms. Margaret Burton, 235 E. Elmview Drive, expressed her concern with traffic resulting from 1/3 of school traffic using Elmview Drive during school peak periods. She requested lighted school zones on N. New Braunfels Avenue and access streets.

Chief Pruitt spoke to limitations on changing the speed limit or the parking restrictions in the area, however, school zones could be created for residential streets between the high school and N. New Braunfels Avenue on the residential streets. Chief Pruitt explained that further research is needed before this can be considered by City Council for adoption. Discussion ensued with regard to thoroughly reviewing an expanded school zone proposal in order to understand the impact of potential spillover traffic on adjacent streets.

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Consent Items

Mayor Cooper proceeded to read the captions for agenda item no. 7.

7. Consideration of a request for permission for refund of duplicate or erroneous property tax payment to Arthur T. Hadley, owner of property at 114 St. Dennis Avenue, in the amount \$564.54.

Councilwoman Souter made a motion to approve the request. Councilman Rosenthal seconded the motion and the motion was approved by consensus vote.

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Items for Individual Consideration.

Mayor Cooper proceeded to agenda item no. 8 and read the following captions.

8. A Public Hearing, continued from February 11, 2008, to consider a request submitted by the Archdiocese of San Antonio's St. Peter Prince of Apostles Church, owners, represented by Jason Winn of Fisher Heck Architects for the following:

- A. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A DAY NURSERY AND/OR KINDERGARTEN SCHOOL AT 103-105 MARCIA PLACE, ZONED MULTI-FAMILY DISTRICT, AS AUTHORIZED IN SECTION 3-87(3) OF THE ZONING CODE.
- B. Architectural Review Board Case No. 296F requesting the approval to convert two single-family homes 103 and 105 Marcia Place into a child development center.

Mr. Jack Guerra, Community Development Manager, provided an overview of the cases and noted that this item was continued from the February 11, 2008 City Council meeting to allow the applicant and area residents to discuss the project. A meeting was subsequently held on February 19, 2008, with nine residents attending. Mr. Guerra presented a PowerPoint presentation outlining the plans and summarized the recommendations made by the Architectural Review Board (ARB).

Mr. Guerra provided staff's recommendations to approve Planning and Zoning Case 311 a Special Use Permit (SUP) to allow a day nursery or kindergarten school at 103 and 105 Marcia Place on property zoned Multi-Family, with a sunset clause; and to approve ARB Case No. 296 with the recommended alternative parking plan.

Mr. Charles Frigerio, resident and President of St. Peter's school council spoke in favor of the request and offered to address questions.

Mr. Jason Winn, Fisher Heck Architects, presented a PowerPoint outlining the overall picture of how the proposed request addresses the church's plan related to space and property utilization. (A copy of the presentation is made part of the official papers for this meeting.)

Council discussion took place regarding the current use and future use of the space occupied by the temporary buildings on the church's main property; parking and drop off logistics for the affected students; and the traffic impact to residential streets.

Mr. Thomas Sebastian, 148 Marcia Place, stated that he was not in favor of the proposed SUP request. He also expressed his opinion that there was not a need for additional parking on the church's main property, which may increase amount of water runoff.

Mr. Stephen Cross, 136 Barilla Place, spoke to his opposition of the rezoning request to operate a kindergarten, thus removing additional residential properties from the area. He further expressed concerns with water runoff from additional parking on the church's main property, and potential seepage of pollutants from additional parked cars. Mr. Cross further suggested rebuilding on the current footprint of the existing temporary buildings.

Ms. Judith Geerke, 148 Marcia Place, spoke to her concerns with traffic flow, pedestrian safety, and flooding issues due to water runoff from additional development on the church's main property.

Council posed questions to the applicant and further discussed the overall master plan of the church. Mr. Guerra discussed the zoning of the main church property and adjacent properties, and discussed the SUP provisions and restrictions.

Mr. Mike McMahon, 239 Blue Bonnet Blvd., supported the request and to discussed his experience with the City of San Antonio Zoning Commission, and encouraged the City Council to review the pros and cons of the proposal to make a determination.

Mr. John Joseph, 206 Joliet Avenue, expressed his concern with the proposed rezoning and spoke to his experience in witnessing a massive 1956 fire at the church, and requested that a full traffic study be done to understand the consequences of this request.

After discussion by Council, City Attorney Mike Brennan offered his opinion with regard to granting the SUP, in that the Council could amend the ordinance at a later time to implement traffic or other enforcement restrictions in the area if deemed necessary.

Councilman Stan McCormick made a recommendation to revise the ordinance language to include the word "Day" in front of "Nursery" and include the words "and/or" in front of Kindergarten School.

After further discussion of the issues related to this rezoning request, Councilman Rosenthal made a motion to approve an ordinance, as amended, approving a request for a Specific Use Permit (SUP) to allow a Day Nursery and/or Kindergarten School at 103 and 105 Marcia Place on property zoned Multi Family. Councilman McCormick seconded the motion. Voting for – Bill Kiel, Bobby Rosenthal, Stan McCormick, and Jill Souter. Voting no – Susan Harwell. Present but not voting – Mayor Louis Cooper. The motion passed.

At 9:14 p.m., Mayor Cooper called for a short break before continuing the meeting. Mayor Cooper reconvened the meeting at 9:20 p.m.

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Mayor Cooper then proceeded to agenda item no. 9 and read the following captions.

9. A Public Hearing to consider a request submitted by the Southwest Foundation for Research and Education for the following:
 - a. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF OFF-STREET PARKING FOR PROPERTY OWNED BY THE SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION AT 815 PATTERSON AVENUE, ZONED SINGLE FAMILY - A DISTRICT, AS AUTHORIZED IN SECTION 3-87(12) OF THE ZONING CODE.
 - b. AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF OFF-STREET PARKING FOR PROPERTY OWNED BY SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION AT 820 PATTERSON AVENUE, ZONED SINGLE FAMILY - A

DISTRICT, AS AUTHORIZED IN SECTION 3-87(12) OF THE ZONING CODE.

- c. Request for approval of a Demolition Permit at 820 Patterson to demolish the existing one and a half-story house for the purpose of constructing a new landscaped parking lot for the Argyle
- d. Architectural Review Board Case No. 295 requesting approval of the proposed landscaping of a new parking lot at 820 Patterson

Mayor Cooper noted for the record that he, Councilman Rosenthal, and Councilwoman Souter are members of the Argyle Club, and have conferred with City Attorney Mike Brennan to determine that it is not necessary to recuse themselves from the deliberation and vote on this item.

Mr. Jack Guerra, Community Development Manager, presented a PowerPoint outlining the requested action, the existing campus and further described the project in full.

Mr. Guerra informed Council that he received one phone call from a citizen concerned about noise from events held at the Argyle Club.

In response to a question from Councilwoman Harwell, Mr. Pat Chumney, architect for the project, provided the history of the property's ownership. Council members asked additional questions of Mr. Chumney about the wall design and parking lot and further discussion ensued related to impervious cover and onsite and off-site parking situation improvement.

Public Works Director, Shawn P. Eddy, clarified that the ARB had three concerns, although the first no longer applied:

- Any driveway extension is reviewed by the ARB, although there are no longer plans by the applicant to extend the driveway
- The height of the wall to which they requested that a revised design of the Olmos Drive wall will be reviewed by the ARB
- The applicant submit fully developed landscape elevation of the wall and wall section and fully developed landscaped plans

Mr. Guerra and Mr. Eddy explained that the latter two items (C, D) would need ARB review and approval before Council could vote on them. The next ARB meeting is scheduled for March 11, 2008 meeting.

Mr. Chumney discussed the history of the property, the project plans and stated that the sale of the Roberts' property to the Argyle was contingent upon this plan being approved by the Council and ARB.

Council discussion ensued related to the parking issues associated with the property, the demolition request, and ARB's role.

City Attorney Mike Brennan clarified for Council the requested action that was before them.

Councilman Kiel made a motion to approve an ordinance approving a request for an extension of a Specific Use Permit (SUP) at 815 Patterson to continue to allow off-street parking on property zoned Single Family; and an ordinance approving a request for a new Specific Use Permit (SUP) at 820 Patterson to allow off-street parking on property zoned Single Family. The motion was seconded by Councilwoman Harwell and was passed by consensus vote.

In response to questions by Councilwoman Souter and Harwell, Mr. Chumney discussed plans for the swimming pool on the property. Councilwoman Harwell discussed related maintenance and noise concerns expressed by neighboring residents.

After further discussion, Councilman Kiel made a motion to approve a request for demolition and the ARB Case as outlined in item C and D, with conditions that the Architecture Review Board (ARB) will review and then City Council will approve 1) a revised design of the Olmos Drive wall; and 2) a fully developed landscape plan including wall elevations and sections. The motion was seconded by Councilwoman Harwell and was passed by consensus vote.

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A motion was made by Councilman McCormick to adjourn the meeting. The motion was seconded by Councilwoman Souter and passed by unanimous vote. Mayor Cooper adjourned the meeting at 10:00 p.m.



Louis Cooper
Mayor



Judith E. Surratt
Deputy City Secretary